

Remarks

Claims 1-13 and 15-22 are pending in this application. Applicants have amended claims 1-3, 13, 15 and 19 and present new claims 21 and 22 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejected claims 1 and 13 under 35 U.S.C. § 112, second paragraph as indefinite. Applicants have amended claims 1 and 13 to delete the objected to language. Accordingly, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected claims 1-13 and 15-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended these claims to clearly recite that the software entity is recorded on a computer readable medium. The specification clearly recites that the computer readable medium may be a magnetic disk, CD-ROM, DVD disk, hard disk, and other storage media, all of which are physical media that clearly make the present invention statutory subject matter. Accordingly, Applicants submit that claims 1-13 and 15-18 recite statutory subject matter and respectfully request withdrawal of this rejection.

The Examiner rejected claims 1, 8, and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,714,977 to Fowler et al. The Examiner rejected claims 2-7, 9-12, and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Fowler in view of U.S. patent 7,120,830 to Tonack.

Fowler et al. does not disclose the present invention as recited in claim 1 since, among other things, Fowler et al. does not disclose a method for retrieving and/or accessing information about an equipment, plant or process in a facility including a plurality of devices and one or more control systems for process monitoring and control, wherein energy-related information and other data for each said device is stored in the control systems. The Examiner cites col. 6, lines 11-26 of Fowler et al. as suggesting control systems including information regarding devices controlled by the control systems. However, this passage only discloses a server room with server hardware and support elements, such as communications and HVAC. Fowler et al., in this passage, or elsewhere does not disclose control systems according to the present invention as recited in claim 1. Fowler et al. also does not disclose selecting equipment, plant or process controlled by a control system and configuring a software entity with an identity of the selected equipment, plant or process, the software entity comprising links to information regarding all equipment, plant, process monitored and controlled by the control systems.

Furthermore, Fowler et al. does not disclose retrieving information associated with the selected equipment, plant or process with the configured software entity. The passage at col. 6, lines 51-52 relied upon by the Examiner only discloses that the method and systems of Fowler et al. can perform monitoring functions. Still further, Fowler et al. does not disclose retrieving information including maintenance information, technical information, and contact information for people knowledgeable about the selected equipment, plant or process. Even if Fowler et al. discloses making some notification about an alarm, Fowler et al. does not disclose presenting or displaying at least information about a new event or an alarm for said selected device and/or the location of selected equipment, plant or process to a user.

In view of the above, Fowler et al. does not disclose all elements of the present invention as recited in claims 1, 8, and 13. Since Fowler et al. does not disclose all elements of the present invention as recited in claims 1, 8, and 13, the present invention, as recited in claims 1, 8, and 13, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

The combination of Fowler et al. and Tonack does not suggest the present invention as recited in claims 2-7, 9-12, and 15-20, since, among other things, the combination does not suggest a method, computer program, software architecture or control system that includes configuring a software entity with an identity of a selected equipment, plant or process, the software entity comprising links to information regarding all equipment, plant, process monitored and controlled by the control systems, and retrieving information associated with said selected equipment, plant or process with the configured software entity, the information comprising maintenance information, technical information, and contact information for people knowledgeable about the selected equipment, plant or process. The Examiner asserts that

Tonack suggests employees are located at remote locations and are able to access information. The software entity according to the present invention as recited in claim 1 searches for and retrieves information regarding a selected equipment, plant or process, including people knowledgeable about the selected equipment, plant or process. On the other hand, Tonack only appears to suggest ordinary supervision. Therefore, the combination of Fowler et al. and Tonack does not suggest the present invention as recited in claims 2-7, 9-12, and 15-20.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the present invention. Therefore, the references relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the present invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejections based upon the cited references.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit

overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date:

4/22/08

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

Eric J. Franklin, Reg. No. 37,134

Attorney for Applicants

Venable LLP

575 Seventh Street, NW

Washington, DC 20004

Telephone: 202-344-4936

Facsimile: 202-344-8300